App F IX 4

Previous References 1947 45 (ml)

File No 40-47

Serial Nos 118 119

Later References

Jul 34-49 (9/9)

GENERAL AND REVENUE SECRETARIAT

Serial Nos 120

Part B for January

SUBJECT

Election of Mr M Rama Rao as Vice President of the Kankanhalli Town Municipal Council Bangalore Dt

V 12373 & S 1.4 F

No complaints

Nothing

2403/mk

Election of Vice president to the Kankanhalli Town Municipal Council

Ref
The Dy Comm B'lore District
No MG 1723/47-48 dt 7.11.47

Recommends Sanction to the election of Mr. M Rama Rao as Vice president of the Kankahalli Town municipal Council

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1) The Municipal Council has expressed its desire to have a ~~non~~ Vice president at its meeting held on 29.9.47.

Flag I

2) Accordingly elections were held on 16.10.47 when Mr M Rama Rao was elected to have been elected by a majority

Flag 1

3) The other Contesting Candidate Mr K P Thimmappa Reddi has filed an objection petition on 25.10.47 Contesting the validity of the petition election on the following grounds

Flag G

(a) The Surveyor in charge of the Arkalgudu Bridge Works Shall have been entitled as a Councillor, to vote the Secretary of the P W D as nominated by Govt

(b) The Asst Engr, No. 3 Sub Dn, Channapatna had also made a Reference

2483/ml

Election of Vice president to Kankanhalli Municipal Council

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to that effect

(2) The Sub Divisional Officer Kankanhalli had written to the president that on the orders of the Asst Engineer he had nothing to do at the meetings of the Municipal Council and that the Surveyor, Arkavathy Bridge Circle may be invited to the meetings in his place

4) The petition is not supported by three other Councillors as required and is precluded after the expiry of seven days - a clause of the explanatory Byelaw - Contrary to the provisions of the Election Rules

5) Of the petition signed by three Councillors, it is stated to have been presented on 27-10-97 which is stoutly denied by the petitioners

6) Three petitions could have been received and if they are precluded after the expiry of the time limit but nevertheless the DO enquired into them and found the Contentions of the petitioners untenable for the reasons explained in his letter.

7) The Reference A/ 20/25 10 97 from the Dy Secretary requesting clarification on the propriety and correctness of entertaining the petitions by the Sub Divisional Officer to the meeting is self explanatory

8) The DO recommends that the election of the Vice President of the Municipal Council may be notified

9) Submitted for orders

17/10/97 17/10/97

10 of the two 24 objection petitions preferred on this behalf, - one was deleted having been presented on 27 (10 47) - beyond the period of one week prescribed for the presentation of such petitions under the rules

The election was held on 16/10/47

11 As the petition, though it may be left to be written the time, taking into calculation the intervening Sunday - is not also Contrived by the rule viz. that it should be signed by three municipal councillors as such, the petition is not maintainable and I, after enquiry, declare that the election of Mr N. Ramachandra may be approved for orders.

Revised Jan 17/11/48

I agree -

The election of Shri N Rama Rao - President Madras as Minister) is approved

H M Patel
Secretary to the Govt of India

11/12/47

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 665
Date 21 1 48

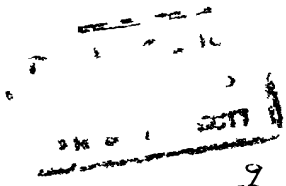
2483/ml,

Election of Vice President to Kankanhalli Town only

Draft notification as put up

Rs 5/1/48 Pr E-148

Yours sincerely
for
6/1/48



To

The Executive Officer, Kankanhalli

No L 12373/ml 40-47-119 dt 9 1 49

Sir/the the election of Sri M Krishna Rao as Vice President of the Kankanhalli Municipal Council

Copy to the Dc, Blue Ok

B-13 1 Cell

PL

Mb 40-47-118

OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
Dated, Bangalore, the 7th Novr 1947

Mb 1723/47-48

2483/mb
15 11-47

To

S ABDUL ALEEM, Esq , B.A ,
Secretary to the Government,
Revenue Department,
Bangalore

Sir,

Sub Election of Vice President to Kankanhalli Municipality

I have the honour to state that the Municipal Council Kankanhalli have at their meeting held on 29 9 47 resolved to have a Vice President and in accordance with the above resolution, action was taken by the President to hold an election of the Vice President

The names of the marginally noted three gentlemen were nominated for the seat as per rules prescribed therefor

1 Mr M Rama Rao
2 Mr K P Thimmappa Reddy
3 Mr Patel Basavegowda

At a special meeting held on 16.10 47 convened for the purpose of holding the elections, the third candidate withdrew from the elections leaving only two to contest the seat At the election Mr M Rama Rao secured 11 votes as against 9 votes secured by Mr K P Thimmappa Reddy The council declared Mr.M Rama Rao duly elected as Vice President of the council But on 25 10 47 Mr K P Thimmappa Reddy filed an objection petition before this office contesting the validity of the above election on the ground that the Sub Overseer of P W D at Kankanhalli who had participated in the election as an Ex-offcio member was not the senior officer and that the P W.D surveyor in charge of the construction of Arkavathi Bridge should have been permitted to attend the meeting in accordance with the instructions issued by the Assistant Engineer etc

The objection petition has not been presented within 7 days from the date of election nor has it been signed by three councillors as required by Rule 12 of the Rules regulating the election of Vice Presidents of Town Municipal Councils The rule says that the objection petition should be presented within seven days from the date of the election and as such whether the question of the 7th day of being a Holiday does give the persons a choice to file the objection petition the next day is doubtful delaying the proceedings, this objection petition has been signed only by Mr K P Thimmappa Reddy who has stated that he has been authorised by/3 more councillors to file the objection petition But he has not produced any such letter of authority issued by 3 councillors But another petition was filed by all the 4 councillors on 27 10 47 contesting the validity of the election which is clearly a belated one and the objection petition is untenable under Rule 12 referred to above and has to be dismissed

Any how, the case was posted for hearing to 3 11 47 on which day the petitioners prayed for an adjournment On 4 11 47, the counsels for both the parties were heard and the parties also were given chances to explain their cases On behalf of the petitioners the following points were put forth

1 that the surveyor is senior to the Sub Overseer and as such he should have been taken as a councillor

P T O

2 that the Assistant Engineer, No 3 Sub Division Channapatna had directed the surveyor to be a councillor

3 that the suboverseer also had addressed the President to take the surveyor as a member in his stead as has been ordered by the Assistant Engineer

In this connection it has to be stated that it is the usual practice in every municipality to take the P W D sub overseer of the place as a member of the council Even prior to the present sub overseer's posting to Kankanhalli the previous sub overseer were attending the council meetings The present council was reconstituted with effect from 1 7 47 Even in the previous council the same Sub Overseer has attended since he took charge at Kankanhalli in March 1947 Even after the reconstitution he has attended the meetings No objection was raised by any one then and even during the election of the President which took place in July 1947 in which the same Sub Overseer had casted his vote as a member though the Surveyor was there in charge of the Arkavathi Bridge, which is out of the Municipal limits, for the last one year

In case, the wordings 'Senior Officer of the P W D, Kankanhalli' as used in the Government Notification No L 17615 Ml 41-46-103-103 dated 28 6 47 reconstituting the council were to mean the senior officer belonging to P W D then Mr Sambamurthy, an Assistant Engineer in charge of Silk Filature at Kankanhalli could have been taken as a member instead of the Surveyor But it is ascertained that both these two officials have nothing to do with the public works carried out in the town and that only the P W D Sub overseer is in charge of the works in the town carried out by the P W Department The notification refers to Kankanhalli meaning the town and not the taluk The idea of appointing the senior P W D officer at the place as a member is to give the municipality the technical advice for the works carried out by the Municipality and not simply to attend the municipal meetings having nothing to do with the works carried out in the town If an Irrigation work or any other work is started near and outside Municipal limits, the senior officer in charge of that work cannot be taken as a member on the ground of his seniority The membership cannot be changed every now and then to suit the temporary staff which would jeopardise the work of the municipality As for the 2nd and 3rd points put forth by the petitioners, the President has already reported that he cannot take orders from the Assistant Engineer and that the P W D Sub Overseer was also reported by him that he would continue as a member unless otherwise directed by the Government who is the authority to clarify the position

From the above, it could be said that the President was right in inviting the P W D Sub Overseer to take part in the proceedings as usual In this connection, I invite kind reference to my letter No M6 1660/46-47 dated 20/25-10 47 requesting to clarify the position and also stating that the President has been asked to have the P W D Sub Overseer as an an Ex-officio member as usual as is being done in other municipalities pending clarification of the position by the Government Hence the objections put forth by the Petitioners are untenable and belated

In the circumstances I request that sanction of Government may kindly be accorded to the election of Mr M Rama Rao as Vice President of Kankanhalli Municipality and to get the necessary notifications published in the official Gazette

The connected records accompany for favour of reference and return

I have the honour to be, Sir,
Your most obedient servant,

DEPUTY COMMISSIONER
BANGALORE DISTRICT

7/11/47

L 12373/ML 40-47-119

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

9/48

General and Revenue Secretaria

Dated Bangalore 5 - 1 - 48

NOTIFICATION

Section 23 (4) of the Mysore
Under ~~Section 10 (4) of the Mysore~~

Town Municipalities Act 1933
~~Minor Municipalities Act 1933~~ Mr M Rama Rao

is elected Vice-President of the Kankanhalli

Town Municipal Council
~~Minor Municipal Council~~ Bangalore District

By Order

Secretary to Government
Law Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned

MEMO NO L 12374 9/48

Copy to the above is forward with comliments to the Deputy Commissioner Bangalore District for information with reference to his letter No M6 1723 dated 7-11-1947/48

The records accompany

By Order

For Secretary to Government
Law Department

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L 12373/RL 40-47-115 General and Revenue Secretariat

Dated Bangalore 9 January 194 8

NOTIFICATION

Under Section 23 (4) of the ysore Town Municipalities Act, 1933, Mr. [redacted] Rao is elected Vice-Presid t of the Ramanhalli Town unicipal Council, Bangalore District.

By Order,

For Secretary to Government,
Revenue Department.

To

The Compiler, Mysore Gazette, for publication in Part III-2 of the Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District concerned.